

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ARNIE GARCIA, JR.,

Plaintiff,

v.

O. HERRERA, Officer, et. al.,

Defendants.

Case No. 1:25-cv-00094-HBK (PC)

ORDER STRIKING UNSIGNED AND  
UNDATED COMPLAINT

MARCH 26, 2025 DEADLINE

This matter comes before the court for its initial screening under 28 U.S.C. § 1915A. Arnie Garcia, Jr., (“Plaintiff”) is a state prisoner who commenced this action by filing a pro se civil rights complaint under 42 U.S.C. § 1983 on January 22, 2025. (Doc. No. 1, “Complaint”). The Complaint is unsigned and undated. (See Doc. No. 1 at 11). The Proof of Service is also unsigned. (*Id.* at 12).

Rule 11 requires all pleadings, written motions, and other papers be signed by at least one attorney of record or by a party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); *see also* E.D. Ca. Local Rule 131(b). “The Court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Fed. R. Civ. P. 11(b). Because the Court cannot consider unsigned filings, the Court elects to strike the Complaint. *West v. Hulbert*, 2016 WL 2854416, at \*1 (E.D. Cal. May 16, 2016) (“Because the Court cannot consider unsigned filings, the complaint must be STRICKEN”); *Anderson v.*

1 *Krpan*, 2015 WL 402086, at \*2 (E.D. Cal. Jan. 29, 2015) (“The Court cannot consider unsigned  
2 filings and therefore, the first amended complaint shall be stricken from the record.”). Plaintiff  
3 must resubmit a signed and dated copy of the Complaint should he wish to prosecute this action.

4 Accordingly, it is ORDERED:

- 5 1. The Clerk of Court shall STRIKE Plaintiff’s Complaint (Doc. No. 1) from the docket  
6 and return a copy of the unsigned and undated Complaint to Plaintiff.
- 7 2. No later than March 26, 2025, Plaintiff shall deliver to correctional officials for  
8 mailing a dated Complaint that is signed under penalty of perjury.
- 9 3. Plaintiff’s failure to timely comply with this Order will result in the undersigned  
10 recommending the district court dismiss this case for Plaintiff’s failure to comply with  
11 a Court order and prosecute this action.

12  
13 Dated: February 25, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE